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Message Text

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62
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DRAFTED BY L/M/SCA:TJTALLERICO:MA
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ARA/CEN:MR. SULLIVAN
S/S:WHLUERS
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O 201954Z MAR 74
FM SECSTATE WASHDC
TO AMEMBASSY SAN JOSE IMMEDIATE

C O N F I D E N T I A L STATE 055653

EXDIS

E.O. 11652: GDS
TAGS: PFOR, PGOV, CS
SUBJECT: COSTA RICAN EXTRADITION BILL

REF: SAN JOSE 1035 AND PREVIOUS

1. AFTER INITIAL REVIEW OF TEXT OF PROPOSED LAW, DEPT HAS PROBLEMS AND QUESTIONS IN ADDITION TO THOSE PREVIOUSLY MENTIONED. EMB MAY WISH TO CONSULT WITH LOCAL ATTORNEY AND TO RAISE FOLLOWING PROBLEMS WITH GOC OFFICIALS:

A) WHAT IS PROPER READING OF ARTICLE ONE? WHAT DOES QTE HASTA DONDE SEA POSIBLE UNQTE MEAN WITH RESPECT TO THE PRESENT U.S.-COSTA RICAN TREATY? DOES SECOND SENTENCE ARTICLE ONE INDICATE ALL REQUESTS WILL BE SUBJECT TO PROCEDURES OF NEW LAW INCLUDING REQUIREMENTS OF ARTICLE 9(6)?

B) WHAT IS PROPER READING ARTICLE 2(11)? DOES ARTICLE MEAN NO EXTRADITION IF THERE IS A POSSIBILITY OF A GREATER SENTENCE IN U.S. THAN WOULD BE IMPOSED IN COSTA RICA?

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C) WILL ARTICLE 12 BIND COSTA RICAN EXECUTIVE IN

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NEGOTIATING FUTURE U.S.-COSTA RICAN TREATY?

2. ALL THESE POINTS HAVE POTENTIAL FOR MAKING EXTRADITION

TREATY INEFFECTIVE FOR HIJACKING AND SOME NARCOTICS
OFFENSES. KISSINGER

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